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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROSA MARIA MARTINEZ,

Defendant.

No. CR 11-00620 DLJ
CR 11-00709 DLJ

STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE STATUS
APPEARANCE AND EXCLUDING TIME
FROM FEBRUARY 9, 2012 TO MARCH
8, 2012

The defendant, ROSA MARIA MARTINEZ, represented by Bruce Funk, Esquire, and the government, represented by Daniel R. Kaleba, Assistant United States Attorney, jointly request that the appearance set for February 9, 2012 be continued to March 8, 2012. Counsel for the defendant is currently in a jury trial in federal court, and is unavailable on February 9, 2012. His next available date is March 8, 2012. Further, the parties have discussed a resolution in the matter, and both parties would benefit from additional time to conduct the necessary investigation, including into both the facts of this case, as well as the criminal history of the defendant, to reach a possible resolution.

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1 The parties also jointly request an exclusion of time under the Speedy Trial Act between
2 February 9, 2012 and March 8, 2012, because additional time is necessary to review the
3 discovery and to conduct necessary investigation.

4 IT IS SO STIPULATED.

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6 Dated: February 8, 2012

/s/

BRUCE C. FUNK
Attorney for Defendant
ROSA MARTINEZ

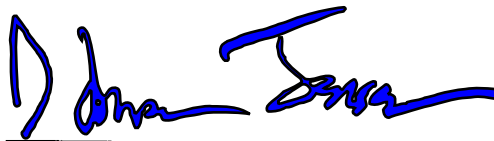
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10 Dated: February 8, 2012

/s/

DANIEL R. KALEBA
Assistant United States Attorney

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14 Based upon the representation of counsel and for good cause shown, the Court finds that
15 failing to exclude the time between February 9, 2012 and March 8, 2012 would unreasonably
16 deny the defendant continuity of counsel and would deny counsel the reasonable time necessary
17 for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. §
18 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time
19 between February 9, 2012 and March 8, 2012 from computation under the Speedy Trial Act
20 outweigh the best interests of the public and the defendant in a speedy trial. Therefore, IT IS
21 HEREBY ORDERED that the time between February 9, 2012 and March 8, 2012 shall be
22 excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

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25 DATED: CEFG



D. LOWELL JENSEN
United States District Judge